

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.1008 OF 2015**

- 1 Smt. Kamaljeet Kaur,
47 years of age,
w/o. Late Bhupinder Singh,
resident of H.No.14,
Ranghavi Estate,
Bogmalo Road, Issorcim,
Dabolim, South Goa,
Mormugao-Goa.
- 2 Shri Vivek Singh Niranjn,
26 years of age, s/o. Late
Bhupinder Singh, resident of
H.No.14, Ranghavi Estate,
Bogmalo Road, Issorcim,
Dabolim, South Goa,
Mormugao-Goa.
- 3 Kum. Deepika Kaur,
22years of age, d/o. Late
Bhupinder Singh, resident of
H.No.14, Ranghavi Estate,
Bogmalo Road, Issorcim,
Dabolim, South Goa,
Mormugao-Goa.

.... Petitioners

V/s

- 1 State of Goa,
Through Chief Secretary,
Having Office at Secretariat,
Porvorim-Goa.
- 2 The District Magistrate/
Collector, South Goa,
Mathany Saldana
Administrative Complex,

Margao-Goa.

- 3 The Authorized Officer,
IDBI Bank, Vasco Branch,
Vasco Da Gama-Goa.
- 4 The Manager, IDBI Bank Ltd.,
Having its registered office at
IDBI Tower, WTC Complex,
Cuffe Parade, Colaba,
Mumbai.

.... Respondents

Mr. Balkrishna P. Sardessai, Advocate for the Petitioners.
Mr. S. Bharne, Advocate for Respondents No.3 & 4.

**Coram:- F. M. REIS &
C. V. BHADANG, JJ.**

DATE : 21st DECEMBER, 2015

ORAL JUDGMENT : (Per F.M. REIS, J.)

Heard Mr. B.P. Sardessai, the learned Counsel appearing for the petitioners and Mr. S. Bharne, the learned Counsel appearing for the respondents no.3 & 4.

2. The above petition challenges the auction notice published by the respondents no.3 & 4 in respect of the subject premises belonging to the petitioners for the recovery of the dues in terms of the provisions of Scrutinisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. Upon hearing the learned Counsel appearing for the respective parties, the main grievance of the petitioners is that the reserved price fixed by the respondents no.3 & 4 was without giving an opportunity to the petitioners of being heard and that the notice of sale by auction was not served on the petitioners.

4. The learned Counsel appearing for the respondents no.3 & 4, upon instructions of the Manager of respondent no.4 Mr. Sandip Bose, Manager, IDBI Bank, Vasco Branch, who is present in Court, states that to avoid any further delay in conducting the auction, the respondents no.3 & 4 shall give a notice of the auction sale to the petitioners at the following address furnished by the petitioners;

Flat No.302, 'E' Block,
third Floor, Bay Village,
Near MES College,
Zuari Nagar,
Vasco-da-Gama.

The learned Counsel appearing for respondents no.3 & 4 further points out that the petitioners whilst advertising the public auction shall initially fix the reserved price of the subject premises at the valuation submitted by the petitioners which is a sum of Rs.2,22,40,000.00. In case there are no bidders for such amount, the respondents no.3 & 4 shall be entitled to reduce the reserved price on prorata basis.

5. The learned Counsel appearing for the petitioners, upon instructions, states that the petition be disposed of accepting the said statement of the learned Counsel appearing for respondents no.3 & 4.

6. Hence, the petition stands disposed of by accepting the aforesaid statements of both the learned Counsel for the petitioners and the respondents no.3 & 4.

C. V. BHADANG, J.

F. M. REIS, J.

NH/-